GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA

UNSTARRED QUESTION NO:1386
ANSWERED ON:08.12.2015
Undertrials in Jails
Karandlaje Km. Shobha;Puttaraju Shri C.S.;Simha Shri Prathap

Will the Minister of HOME AFFAIRS be pleased to state:

(a) the total number of prisoners and undertrials languishing in various jails in the country separately, gender and Statewise;

(b) whether the Supreme Court has directed the Government to release undertrials who have already served half of their maximum sentence, if so, the details thereof and the reaction of the Government in this regard;

(c) whether the Chief Justice of the High Courts have been directed to advise the district judiciary to review all cases where undertrials are eligible for bail under Sections 436 and 436A of the Criminal Procedure Code and take suo moto action for their release and if so, the details thereof;

(d) whether the Government has any proposal to revamp the existing judicial process to ensure time-bound trials and if so, the details thereof;

(e) whether the Government has set up fast track courts for speedy trial of such cases and if so, the details thereof; and

(f) the steps taken by the Government for speedy disposal of pending cases in view of the increasing number of prisoners languishing in jails due to delay in judicial process?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS
(SHRI HARIBHAI PARATHIBHAI CHAUDHARY)

(a): As per data compiled by the National Crime Records Bureau (NCRB) at the end of 2014, there were 4,18,536 inmates in the jails of the country, out of which the undertrials were 2,82,879. A State/UT wise list of total inmates and undertrial prisoners is at Annexure.
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(b)&(c): Hon'ble Supreme Court in its order dated 5.9.2014 in Writ Petition No. 310/2005 − Bhim Singh Vs Union of India & Others relating to undertrial prisoners had directed for effective implementation of Section 436A of the Code of Criminal Procedure.

(d)to(f): "Prisons" is a State subject as per Entry 4 of List II of the Seventh Schedule to the Constitution of India. Therefore, the administration and management of prisons is primarily the responsibility of the State Governments. However, the following measures have been taken by the Government of India in respect of undertrial prisoners:

(i) A comprehensive advisory dated 17th July 2009 has been issued to the States/UTs on "Prison Administration", which provides for steps to be taken by the States/UTs for providing free legal aid to undertrials, setting up of Lok Adalats/Special courts in prisons for expediting review of cases of undertrials. The same may be downloaded from the website of the Ministry of Home Affairs at the following links:

http://mha1.nic.in/PrisonReforms/pdf/PrisonAdmin17072009.pdf

(ii) An Advisory has been issued by this Ministry on 17.1.2013 to States/UTs regarding use of section 436A of the Cr.P.C to reduce overcrowding of prisons. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/AdvSec436APrisons-060213_0.pdf

(iii) Hon'ble Home Minister has written to Chief Ministers/LG of States/UT on 3.9.2014 regarding use of section 436A of Cr. P.C. to reduce overcrowding in jails of India.

(iv) Director General (Prisons)/Inspector General (Prisons) of all States/UTs have been requested on 22.9.2014 to take necessary action to comply with the order dated 5.9.2014 of the Hon'ble Supreme Court in the matter.

(v) Advisory dated 27.9.2014 issued to States/UTs on reckoning half-life of time spent in judicial custody of Undertrial prisoners under Section 436A of Cr. P. C. The same can also be accessed on the website of Ministry of Home Affairs at the link:

http://mha1.nic.in/PrisonReforms/pdf/GuidelinesForRreckoningHalfLife_161014.pdf
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